

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CECIL THOMAS AND JOHN DEAN, on behalf of themselves and all others similarly situated, : Case 2:13-CV-02789-SIL
Plaintiffs, :
-against- :
TXX SERVICES, INC. and PATRICIA DOUGAN HUNT, :
Defendants.

x

DECLARATION OF JEFFREY W. PAGANO IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS OPT-IN PLAINTIFFS SOLOMON DESNOES AND ALMA POPOCOL

I, Jeffrey W. Pagano, declare as follows:

1. I am an attorney duly admitted to practice before this Court. I am a partner with Twomey, Latham, Shea, Kelley, Dubin & Quartararo, LLP, attorneys of record for Defendants TXX Services, Inc. and Patricia Dougan Hunt (collectively, "Defendants"). I respectfully submit this Declaration in support of Defendants' Motion to Dismiss Opt-In Plaintiffs Solomon Desnoes and Alma Popocol. I have personal knowledge of the facts set forth herein. If called as a witness, I could and would testify competently to the matters stated herein.

2. Attached as Exhibit A hereto is a true and correct copy of the Complaint, FLSA Collective and Rule 23 Class Action in this action, filed May 9, 2013 [Dkt. 1].

3. Attached as Exhibit B hereto is a true and correct copy of Consents to Sue Under Federal Fair Labor Standards Act filed by Solomon Desnoes, dated May 10, 2013 [Dkt. 12] and by Alma Popocol, dated May 5, 2012 [sic] [Dkt. 25].

4. Attached as Exhibit C hereto is a true and correct copy of Defendants' Letter Motion, dated November 21, 2017 [Dkt. 230].

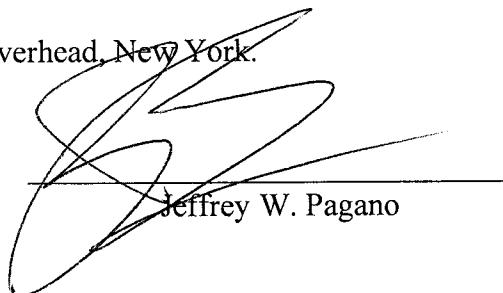
5. Attached as Exhibit D hereto is a true and correct copy of Plaintiffs' Opposition to Defendants' Letter Motion, dated November 27, 2017 [Dkt. 232].

6. Attached as Exhibit E hereto is a true and correct copy of the Court's Civil Conference Minute Order, dated November 29, 2017 [Dkt. 235].

7. Attached as Exhibit F hereto is a true and correct copy of a January 3 and 9, 2018 email exchange between Defendants' counsel and Plaintiffs' counsel.

I declare under penalty of perjury under the laws of New York and the United States that the foregoing is true and correct.

Executed this 9th day of April, 2018, in Riverhead, New York.



A handwritten signature in black ink, appearing to read "Jeffrey W. Pagano". The signature is fluid and cursive, with the name written below the main body of the signature.

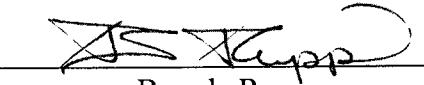
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within DEFENDANTS' NOTICE OF MOTION TO DISMISS OPT-IN PLAINTIFFS ALMA POPOCOL AND SOLOMON DESNOES was served on April 9, 2018 via overnight courier upon Plaintiffs' following attorneys of record listed below:

Denise Schulman, Esq.
JOSEPH & KIRSCHENBAUM LLP
32 Broadway, Suite 601
New York, NY 10004

Douglas Weiner, Esq.
LIPMAN & PLESUR, LLP
Jericho Atrium
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Jericho, NY 11753

Dated: April 9, 2018
Riverhead, New York



Brenda Rupp